

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
MARCH 5, 1996**

The one thousand seven hundred and thirty-eighth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki,  
Mayor  
Rick Farley

Jean Schreiber  
Rob Kappa  
Don Trotter

Also present:

Dan Bartlett,  
City Manager  
Charlene Richards,  
Assistant to the  
City Manager  
Pam Beery,  
City Attorney  
Angus Anderson,  
Finance Director

David Wheaton,  
Public Works Director  
Maggie Collins,  
Community Development Director  
Greg Drechsler,  
City Engineer  
Linda Mullen,  
Neighborhood Services Coordinator

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Waverly/Downtown Neighborhood District Association Recognition**

**Mullen** presented the staff report. Adoption of the proposed resolution would complete the organization of Milwaukie's residential neighborhoods. The Waverly/Downtown group has been very effective in getting organized with record-setting attendance. The association members have met the requirements of electing officers, approving the model by-laws, and establishing a land use committee.

**Dan Kraus**, Waverly/Downtown Association vice chair, spoke about how grassroots political activities influence the maintenance of the neighborhood livability.

**It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the resolution recognizing the Waverly/Downtown Neighborhood Association as the official representative organization for Neighborhood District #1. Motion passed unanimously.**

## **RESOLUTION NO. 12-1996:**

### **A RESOLUTION OF THE CITY OF MILWAUKIE RECOGNIZING THE WAVERLY/DOWNTOWN NEIGHBORHOOD ASSOCIATION AS THE OFFICIAL REPRESENTATIVE ORGANIZATION FOR NEIGHBORHOOD DISTRICT #1 AS DEFINED IN RESOLUTION 6-1994.**

#### **Recognize Bill Johnson and Gordon Jones for Service to the City of Milwaukie on the Planning Commission**

**Mayor Lomnicki** presented a plaque to Bill Johnson on behalf of the Milwaukie City Council for his years of service to the community on the Planning Commission from 1992 - 1994. Gordon Jones was not present to receive his plaque.

#### **Award for Financial Reporting Achievement**

**Dave Boyer**, Multnomah County Finance Director, presented the award to Milwaukie Finance Director Angus Anderson. This is the sixth consecutive year the City of Milwaukie has received the *Award for Financial Reporting Achievement*.

**Anderson** said he and the Finance Department staff were proud to receive the award. He distributed the Comprehensive Annual Financial Report (CAFR) to be reviewed by the auditor at the March 13, 1996, Budget Committee meeting.

**Mayor Lomnicki** expressed his appreciation to Bartlett, Anderson, and the Finance Department staff.

## **CONSENT AGENDA**

**Councilmember Farley** indicated he would like to discuss the February 20, 1996, work session minutes and item III.C -- *Public Works Truck Purchase*.

**Councilmember Farley** said paragraph five under *Information Sharing* should read: "Councilmember Farley asked if any of the parks were available for school children for supervised play."

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to approve the consent agenda with Councilmember Farley's amendment. The consent agenda consisted of the following items:**

1. City Council Minutes of February 20, 1996; and
2. CREG Budget Committee Appointment

**Motion passed unanimously.**

## AUDIENCE PARTICIPATION

**Chuck Stoudt**, 2171A SE Moores. He expressed interest in becoming involved in the neighborhood program, but, since he lives in a predominantly industrial area, he asked for information on how to become involved.

**Councilmember Farley** asked how many residents lived in that area. **Stoudt** said there were about eight residents.

**Mayor Lomnicki** said City Council understands the two commercial and industrial areas need to be organized.

**Councilmember Kappa** asked which residential neighborhoods were adjacent. **Stoudt** said his area was bordered both by Ardenwald and Waverly/Downtown.

**Mayor Lomnicki** recommended people contact staff in order to participate in programs such as land use training if their neighborhood has yet to be recognized.

**Ginger Hope**, 12105 SE 19th, expressed her appreciation to the City of Milwaukie for its help during the February flood. Residents had sufficient time to prepare and make decisions on how to minimize their losses. After the water receded, Linda Mullen and JoAnn Herrigel advised residents on debris removal.

**Mayor Lomnicki** pointed out it was a real team effort on the part of the city manager, department heads, and staff.

**Pat McGinnis**, 12025 SE 19th, said residents felt they really had the backing of the City during and after the flood. She particularly mentioned Paul Roeger and Jack Perry for their helpfulness.

**Milt Palm** discussed the uniqueness of Milwaukie's soil and the importance of research to help determine the most appropriate types of construction. We need to know how to treat our soil. There was a sewer put through his property, and the City feels the bill should be paid. He urged that the city not foreclose on his property. He could have sold the property, but it would be improper to sell it and build houses.

**Dan Kraus**, 2535 SE Monroe, requested the Milwaukie City Council adopt a resolution supporting the Sheriff's Levy. He discussed the various programs that benefit Milwaukie residents. The sheriff helps city police departments perform their jobs and improve community livability.

**Councilmember Farley** asked if there would be a juvenile detention center. **Kraus** described the juvenile intake system.

**Bartlett** said such a resolution was adopted at the February 6, 1996, meeting.

## **PUBLIC HEARING**

### **Withdrawal of Certain Properties from Oak Lodge Water District -- Ordinance**

**Mayor Lomnicki** called the public hearing on withdrawal of certain properties from the Oak Lodge Water District to order at 7:40 p.m.

The purpose of the hearing was to consider an ordinance withdrawing a portion of the Oak Lodge Water District from the district. The properties are located within the Milwaukie city limits and are receiving domestic water service from the City.

**Mayor Lomnicki** reviewed the conduct of the hearing.

Staff Report: **Drechsler** presented the staff report. In the late 1950's these properties were annexed into the city, and in 1984 the city expanded its domestic water distribution network to include these homes. Withdrawal from the district of these properties did not transpire, as it should have, so residents have been paying taxes to both the City of Milwaukie and Oak Lodge Water District. The Oregon State Department of Revenue recommended the legal description, Exhibit A of the resolution, be modified to include the roadway in the withdrawal. Public notification was posted and published in the paper of record. **Drechsler** indicated three properties on the map of that area still being served by the district.

**Councilmember Kappa** asked if the legal description distributed at this meeting was complete. **Drechsler** said the revised legal description was complete.

**Councilmember Kappa** asked if extending service to the remaining three properties was in the CIP. **Drechsler** said it was not.

**Councilmember Kappa** asked if there were any legal obligations on the part of the city since the property owners had paid taxes to both the city and the district. **Beery** indicated this action on the part of the city would correct the situation leaving Milwaukie in good shape.

**Councilmember Trotter** referred to the legal description and asked from where the road was being withdrawn. **Drechsler** responded if, for some reason, the streets were vacated, a sliver of the property would still belong to Oak Lodge. He added the discussion was on boundary lines of the district.

Correspondence: None.

Audience Testimony: None.

Staff Comments: None.

Questions of Clarification: None.

Close of Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on withdrawal of certain properties from the Oak Lodge Water District at 7:46 p.m.

Discussion: None.

Decision: It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance withdrawing portions of Oak Lodge Water District from the district for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance withdrawing portions of Oak Lodge Water District from the district for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the ordinance withdrawing portions of Oak Lodge Water District from the district. Motion passed unanimously.

#### **ORDINANCE NO. 1792:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
WITHDRAWING PORTIONS OF OAK LODGE WATER DISTRICT FROM  
THE DISTRICT.**

#### **OTHER BUSINESS**

##### **Regional Center Steering Committee Appointments**

**Mayor Lomnicki** discussed the role of the Regional Center Steering Committee and the formal recognition of its members. He pointed out that in addition to City Council, Planning Commission, and Parks and Recreation Commission Chair, MDPA will designate one member.

It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to adopt the resolution appointing Regional Center Steering Committee members.

**Councilmember Kappa** said he understood the reorganization was to accommodate a committee that would oversee both the riverfront and the expanded city center.

**Bartlett** said the adopted City Council Goals referred to the expanded city center. The TGM grant, however, referred to the regional center. The name of the steering

committee was changed for consistency. The riverfront is one component of the regional center.

**Councilmember Kappa** said he was concerned that participants not be confused about their roles.

**Councilmember Schreiber** said the roles and responsibilities would be addressed in the work plan. There needs to be one focal group throughout the planning process.

**Councilmember Farley** asked for clarification of an additional appointment to the Riverfront Planning Commission. **Councilmember Schreiber** said the MDDA designee will be appointed to the Steering Committee.

**Councilmember Trotter** said he believed having one coordinating group was a very good concept to make sure everything fits together.

**Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; Councilmember Farley nay; no abstentions.**

#### **RESOLUTION NO. 13-1996:**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING RIVERFRONT STEERING COMMITTEE MEMBERS.**

#### **Public Works Truck Purchase**

**Wheaton** said the truck purchase request was for use in the storm water maintenance effort. The truck would replace a vehicle currently being rented from Clackamas County. The technician's work is directly related to the National Pollutant Discharge Elimination System (NPDES) permit. The bid for the cab and chassis was \$17,258.

**Councilmember Farley** requested a list of all the city vehicles and the years in which they were purchased. **Bartlett** said staff could provide an entire inventory and vehicle use history if City Council so requests.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to authorize the city manager to sign a purchase order for one new cab and chassis in the amount of \$17,258 to Cascade Chevrolet. Motion passed unanimously.

### Information

#### Cooperative Activities between City of Milwaukie and School District

**Councilmember Kappa** said several weeks ago there was an article from the *National League of Cities* about schools and cities coordinating service activities. He suggested a written report to update the Council on cooperative efforts between the City of Milwaukie and North Clackamas School District #12. He specifically mentioned the current status of some of the groups which formed last year.

**Bartlett** agreed to prepare a report.

#### Youth and Tobacco Use

**Councilmember Farley** discussed work being undertaken by the Department of Human Services to get eighth graders free from tobacco use. **Mayor Lomnicki** suggested the Drug Prevention Coalition look at a community-wide strategy.

**Bartlett** directed Council's attention to two items in the Section VII -- *Information*:

1. Hector Campbell NDA newsletter -- the Office of Neighborhoods is helping produce and distribute neighborhood newsletters.
2. Report on the status of the police facility and the property tax impact analysis prepared by the finance director. The report indicated minimal tax impact by holding the building vacant. **Mayor Lomnicki** commented anyone moving into the building would have to make improvements to bring it up to code. **Councilmember Kappa** asked if the Parks District was still interested in using the building for administrative offices. **Bartlett** responded the district would not make any decision of this nature until the results of the DEIS were available at the end of the calendar year. **Councilmember Trotter** agreed waiting until the DEIS results came out would be appropriate since the district does not want to move several times. **Bartlett** discussed the riparian area that was to remain as park land under public ownership and the difficulty of providing access if the property were divided.

**Mayor Lomnicki** announced the City Council would meet in executive session immediately after the regular session adjourned to consult with legal counsel and consider property transaction pursuant to ORS 192.660.

**Mayor Lomnicki** adjourned the meeting at 8:08 p.m.

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Pat DuVal, Recorder/Secretary

## **EXECUTIVE SESSION**

Council met with Angus Anderson, Intern Kristi Lloyd, City Manager Dan Bartlett, and City Attorneys Pam Beery and Paul Elsner. Council reviewed the City Attorney's letter concerning delinquent local improvement assessments. Finance staff provided updated information concerning specific accounts. Council accepted the staff information and asked staff to make additional contacts. Council asked that a resolution authorizing action on specific accounts be brought forward for consideration.

Finance Director Anderson and Intern Lloyd left the meeting.

Staff reviewed the status of several property transactions. Council asked about the status of negotiations and offer letters based on recent appraisals.

Staff reviewed a request to lease certain city property. Council asked staff to prepare a lease for future Council consideration. The City Attorney's office will check on similar City of Portland leases.

Council reviewed information release under the executive session laws with the city attorney. Council had a discussion on the method for information release and control of documents.

The executive session was adjourned at 9:35 p.m.

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Dan Bartlett, City Manager